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## **Sprouts of Democracy in Chinese History**

Pierre-Étienne WILL

**In this article derived from a conference given at Columbia University in 2008, Pierre-Etienne Will discards culturalist arguments justifying the absence of a democratic regime in China and searches for “sprouts of democracy” in Chinese history.**

As a historian of China, it seems impossible to me not to be concerned with present-day politics in that country. Indeed, it is as a historian that I try in this article to look into the question of democracy in China; and it is for the same reason that I will abstain from discussing the likelihood—or absence of likelihood—of a democratic transition in today’s China, of whatever sort: this is a topic for political scientists.

The immediate motives for my interest in “China and democracy” need not be detailed here, except perhaps that I have long been exasperated with a relentless kind of discourse in China and in the West, which in effect denies the Chinese the very possibility of converting anytime soon to a different political system—a system that would allow for changes in political leadership resulting from free elections, that would ensure an independent judiciary, and in which the basic liberties would be effectively protected. The reasons given are well-known: first, economic and cultural backwardness (“the quality of our people is too low”, as Jiang Zemin used to say); and then, more ominously, the weight of “tradition”: while economic backwardness and a low level of education can be corrected with proper development policies, tradition is something more difficult to deal with, especially when, as in the Chinese case, it is understood as a sort of timeless essence.

Rather than the economic argument, which has been debated by specialists drawing widely different conclusions from the same statistical data, it was the cultural argument—the obstacles raised by the so-called Chinese tradition, essentialized as the “Confucian

tradition”—that made me, so to speak, intellectually cringe, and encouraged me to re-examine the problem of tradition and democracy in China (if there indeed was a problem) on a sounder basis, that is, mostly, on a *historical* basis.

### **Building a Repertoire of Historical Resources for Democracy**

This has led me to attempt to draw up a repertoire of the historical resources (both notional and practical) available in the government and society of late imperial China that might possibly be put to use for any kind of democratic transition in China, if such a thing is to happen—or should I say, is to happen again, since elements of actual democracy have in fact existed and functioned in modern China from 1912 (and even a little earlier, at the local level), on and off, and that these first democratic experiences have not always been the total failure deplored by so many authors.

The notion of “historical resources” needs to be used with great care. It may be tempting to connect past experiences and future developments directly, to claim (as some Chinese intellectuals have done) that “we have always done that”. I do not think this makes much sense when speaking of democratic practices, not to speak of institutions, in the case of China—or of most cultures for that matter. What we are considering are, rather, practices and notions that functioned in a completely different context, but might be used for new purposes through a process of reinterpretation. The wonderfully efficient concept of “invention of tradition” applies rather well here; but in fact traditions do not always need to be “invented” wholesale, they can be simply reinterpreted—or reinvented. If the “resources” I will be talking about can be of any use today, it is as a result of this process of reinvention.

Besides the discourse I have mentioned, which sees only incompatibilities between the so-called Chinese tradition and the development of a modern (that is, western) style of democracy, another sort of discourse claims the exact opposite; to wit, that the Chinese past—no more no less than the past of the Western nations—offers strong elements of quasi democracy, which should be seen as an asset for future developments. This sort of claims originated, essentially, with the revolutionary generation that overthrew the Qing dynasty, and it can be found with its intellectual inheritors, up until today.

The elements of democracy (or quasi democracy) in question, which we might call “sprouts of democracy” (by analogy with the well-known “sprouts of capitalism” of the 1960s), make

up a rather short list, in fact. First are the notions found in the *Book of Documents* and in the *Mencius* regarding the primacy of the people over the sovereign (the so-called *minben sixiang* 民本思想), to which Mencius added what has been widely interpreted as a “right to rebel” against a ruler no longer up to the task, and later was even made into a “right to revolution”. In the first years of the twentieth century these notions were sometimes related to western constitutionalism inasmuch as they emphasized the illegitimacy or even impossibility of despotism in China. They entered into combinations with ideas borrowed from the West which they were able, as it were, to endow with new power in the Chinese context—a case of reinvention, one might say. But this of course is not the same thing as being notions akin to democracy or rights, which the theories of the primacy of the people and of the revocable status of the ruler are definitely not.

Another notion—or rather, institution—frequently mentioned as an example of a democratic element in the Chinese past is the examination system, extolled as an egalitarian method for recruiting talents in the service of the state. In his famous lectures of the early 1950s, the historian Qian Mu 錢穆 (1895-1990) did not hesitate to compare the recruitment of bureaucrats through examinations with the election of parliamentary members in Western democracies. According to him, the problem was in both cases to select able administrators for the state in an impartial way; and, thanks to the wisdom and virtue acquired through their studies, the literati selected through examination were “representing” (*daibiao*) the entire population since they were able to express its ideas. The idea of recruiting the members of parliament through examinations may appear attractive to us, but it is not democracy.

A particularly glorious period for literati dominance of politics, if not always of government, was the second half of the Ming dynasty. As a matter of fact, late-Ming politics have been celebrated by more than one author as a sort of proto-democracy whose heroes were the members of the Donglin party, who fought bravely against the despotic excesses of the throne and of the eunuchs. A typical example of such views is Zhang Junmai 張君勱 (better known in the West as Carsun Chang), a German-trained philosopher, who ended his book *The Third Force in China* (1952) with considerations on what he believed to be an ancient and profound inclination of China towards democracy. He too brandished Mencius, who, according to him, was “perhaps the most energetic advocate of democratic government in the ancient world” and was followed by “an unbroken line of thinkers who have espoused

the cause of the individual and of his inalienable rights”—“[up] to the scholars of the Ming dynasty”, he says, because, in the eyes of intellectuals of his generation and upbringing, the Manchu Qing dynasty could only be an age of darkness and despotism during which historical progress was, so to speak, stopped in its tracks. This interruption notwithstanding, Zhang Junmai claims in as many words that there existed a well-defined democratic tradition in China, “in theory as well as in practice”. And concerning the last he also says that, independently of the notion of “popular will” found in Chinese philosophy, in traditional Chinese society ordinary people actually enjoyed a large amount of individual liberty, for the simple reason that the government intervened very little in their lives.

### **Two Opposite Discourses on China**

This is something quite different from our notion of individual freedom, to be sure: we would rather call it “negative liberty”. In any case, Chang’s statement is interesting because it seems directly to echo the opinions of certain European observers who travelled and lived in China in the nineteenth century, some of them for substantial periods of time—people whose observations and claims are mostly left unmentioned by historians. While I was browsing, a few years ago, through the writings of a selection of such authors, I came more than once across a surprising statement: to wit, that China *is*, in some ways, a democratic country—and for some of these authors, in several respects it is actually *more democratic* than many places in Western Europe.

The works I am referring to are definitely a minority among the considerable mass of writings by “old China hands” published in the nineteenth century, which are rather characterized by their sinophobic attitude. Still, during the entire nineteenth century, both pre- and post-Opium wars, we find China experts who vehemently criticized the widespread view of China as a despotic empire inhabited by amorphous and submissive masses, and with no tradition worthy of the name to draw from in order to build a modern nation. But if this notion of a despotic China was indeed quite common, it seems that even the attitude of those who supported it changed noticeably as the imperial regime appeared more weakened and hopeless—as an impotent despotism, as it were. More and more observers tended to draw a sharp distinction between, on the one hand, an ailing system of government, and on the other hand, the formidable potential of the Chinese population—of the cheerfully industrious masses, as many said, who only needed a new sort of leadership (inspired by the Western example, of course) to be rescued from their backwardness and political submission. In other

words, even the sinophobic discourse, which could be quite strident indeed, admitted that there might be potential for change among the Chinese population.

A more positive sort of discourse could also be found, however—a discourse whose authors found in the actual workings of Chinese society (as opposed to the Chinese government) a level of self-government and freedom that encouraged several of them to use the term “democracy”. This term was obviously used in a loose sense, as these authors knew perfectly well that China had nothing like democratic political institutions even remotely comparable to those of England or France; but, again, the interesting thing is to examine what they meant exactly by this word, and what conclusions they drew.

Here I will quote two of them, who are rather different types but overlapped for some years in China during the 1840s: first, a famous French missionary, Father Évariste Huc, whose books are still popular; and second, a British consular official, Thomas Meadows, whose name is unknown today except to specialists, but who in my opinion is perhaps less fun, but certainly more interesting and, especially, more reliable than Huc as an observer of Chinese realities.

The high point in Father Huc’s career in China was his well-known odyssey, started in 1845, to Western Mongolia and Tibet in the company of his superior, Father Gabet. They were arrested by the Manchu authorities in Lhasa and led back to the frontier under escort—the “frontier” being, in this case, Macau, a very long way from Tibet. Huc’s voyage to Tibet and back to Macau produced two famous books, published in 1850 and 1854 respectively (and almost immediately translated into English), the *Journey through Tartary and Thibet*, and its sequel *The Chinese Empire*, which covers the trip back from Tibet to Guangdong and contains, in addition, a quantity of asides, explanations, observations and anecdotes on every aspect of Chinese life, including the materials I will mention. The problem with Huc is that what must be considered second-hand and what is attributable to himself, and, among the latter, what is about reliable, or obviously embellished, or simply invented, cannot be easily separated. Meadows, on the contrary, is as a typical example of British matter-of-factness and could not be farther from Huc’s Southern French bragging and exaggerations. During his long career in China—first in Canton, from 1843, and later in Shanghai throughout the 1860s—he published two books (*Random Notes on the Government and People of China*, and *The*

*Chinese and their Rebellions*) where he proves himself a keen, industrious and well-organized observer, and has much of interest to say.

Huc, Meadows and a few others argue passionately against the notion of a despotic Chinese government; in particular, they claim that what we would call “civil society” enjoyed a high degree of autonomy, that there were individual liberties, a tradition of protest and opposition to the state, and even, according to some, that community institutions ensured a degree of basic democracy.

### **A Culture of Protest**

While some authors (Meadows notably) make much of the so-called “right to rebel”, more interesting is the frequent mention of what we might call a culture of popular protest which is largely confirmed by a quantity of Chinese sources. This especially took the form of posters denouncing or lampooning officials who incurred the displeasure of their constituents, or of meetings convened by public notice to submit grievances to the local magistrates. Here the *locus classicus* is Huc, who claims to have witnessed what he is speaking about, although I suspect he borrowed it from another author even though the style is undeniably his:

“A very powerful organ of public opinion is the placard, and this is everywhere made use of with the dexterity of long practice. When it is desired to criticise a Government, to call a Mandarin to order, and show him that the people are discontented with him, the placards are lively, satirical, cutting, and full of sharp and witty sallies; the Roman pasquinade was not to be compared to them. They are posted in all the streets, and especially on the doors of the tribunal where the Mandarin lives who is to be held up to public malediction. Crowds assemble round them, they are read aloud in a declamatory tone, whilst a thousand comments, more pitiless and severe than the text, are poured forth on all sides, amid shouts of laughter.”<sup>1</sup>

Elsewhere in his book Huc has an anecdote which technically at least could be authentic—although with him one never knows—in which the notables of a town somewhere in the Northwest reject the magistrate who has been appointed by the provincial governor and manage to take him back to the provincial capital without any violence (other than hostile shouting from the crowd) and to get a replacement more to their liking. Now, if the expression of grass-roots public opinion by posters and other sorts of demonstrations is frequently mentioned in Chinese sources, things were far from being always as peaceful as in such anecdotes. In my own reading of these sources, for example, I have come rather frequently upon examples of attacks of official headquarters by furious mobs, ending with the sacking of public offices and the flight of officials.

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<sup>1</sup> M. Huc, *The Chinese Empire* (London, 1855), vol. 2, pp. 74-75.

Such occurrences are indeed mentioned by another foreign observer, who was in China much later than Huc, the well-known British diplomat and Sinologist, Herbert Allen Giles (1845-1935). Giles spent the 1880s and early 1890s in various Chinese cities as a consul, before becoming the first professor of Chinese at Cambridge University. In 1902 he gave a series of lectures at Columbia University, which were published the same year under the hardly original title *China and the Chinese*. In one of these he describes the same sort of popular resistance, but, interestingly, he emphasizes the *fiscal* aspects of it. Basing himself on examples found in the *North China Herald* and on events he alleges to have seen with his own eyes, he claims that the smallest increase in taxation has to be carefully negotiated with the leading merchants and with the village chiefs and elders, and that if a compromise is not reached, resistance sets in, first, passively, and then, if necessary, in the form of riots ending with the sacking of the magistrate's offices.

#### **“Democratic China” and the “Practical Liberties”**

Now the arresting detail is that in Giles's book these anecdotes occur in a chapter entitled “Democratic China”, whose conclusion is that, if one can indeed say that the Chinese government is democratic, it is because the populace always finds a way to make the officials give in when it considers it has been unjustly dealt with (“always” is certainly a great exaggeration on the part of Giles, because in fact brutal repression was not rare). This concept of what we should probably call “negative democracy” may seem peculiar, especially on the part of a British citizen; except perhaps that the very notion that everything boils down to a struggle of the citizens against their government sounds quite Anglo-Saxon indeed.

Father Huc, we shall see, also speaks of democracy, and in fact in a technically more appropriate context. Before coming to this, however, let me quote another passage of his, where he says:

“It is a great mistake to fancy the Chinese hemmed in by arbitrary laws, and quailing under a despotic power, which rules their actions and dictates all their proceedings. Though an absolute monarchy, moderated, indeed, by the influence of the educated classes, the people enjoy beneath it much more liberty than is generally supposed, and possess many privileges which we might vainly seek in some countries boasting a liberal constitution.”

And among these liberties Huc mentions the freedom to travel and to trade, the freedom of association, and even the liberty of the press, which according to him is “another ancient institution of China, which we Europeans fancy to have invented.”



Most of the nineteenth-century authors I have consulted extol these liberties which Meadows—perhaps their most enthusiastic commentator—calls “practical liberties”. Meadows claims that in real estate transactions the Chinese enjoy a degree of facility and security that compares most favorably to similar transactions in England; that they can travel as they wish, carry on the occupation they choose, leave the country and freely come back despite what he calls “obsolete regulations”; many villages never see an official from the government, except tax collectors once a year; so much so that, he says, “In all, Chinamen enjoy an amount of freedom in the disposal of their persons and property, which other European nations than the Russians may well envy them”.

Herbert Giles, for his part, proposes almost exactly the same list of practical liberties as Meadows and claims that “Every one who has lived in China, and has kept his eyes open, must have noticed what a large measure of personal freedom is enjoyed by even the meanest subject of the Son of Heaven”.

Despite a few exaggerations, and allowing for some wordplay, most of these claims are historically acceptable. What I call “wordplay” is in fact important. We know that freedom of the press and freedom of association, for example, are among the most basic liberties (or rights) guaranteed in any democratic regime, and we can suppose that the use of such terms by Huc and others was meant to enhance their point; but in their case the “associations” referred to are no more than the innumerable *hui* 會 that mushroomed in China—not infrequently to make up for failing state institutions, as Huc justly remarks—but were emphatically non political, and especially could not be secret or religious (a point also made by Giles). Likewise the “press” refers not to newspapers, which did not exist in China in Huc’s time, but to any other sort of print products, and here again Huc insists that “printing books likely to trouble public tranquility and defeat the respect due to authority” is liable to severe punishment.

In other words, the liberties discussed here are by no means political and remain, indeed, “practical”. As stressed by several of our authors, provided that the Chinese avoid breaking certain rules, they will be left alone by the government and free to do whatever they wish. But if for whatever reason, fiscal or otherwise, they are displeased with the *local* representatives of the government, they may very well attack them politically in the form of public protests, or even physically by resorting to violence.

### **Similarities with China today**

Again, and in the most general terms, this pattern seems to me to reflect rather faithfully the realities of nineteenth-century China. It also bears a certain uncanny resemblance with the situation in present-day China: like today, we have many concrete (or practical) liberties for those who have the wherewithal to make use of them, but no freedom beyond certain limits very precisely laid down (like, being disrespectful of authority, or joining a secret society); and like today we can see a propensity to violent opposition directed at the local officials when the situation is considered unbearable, or beyond negotiation—the higher authorities being appealed to for arbitration. As a matter of fact, many of Meadows' considerations on the well-organized autocracy of China can only remind us of the present.

Parallels with the present must always be made with much caution, of course, and they are only parallels. Still, we are brought back to the initial question: how and to what extent can we say that a culture of protest against local officials, a strong civil society as far as socio-economic organizations are concerned, and an eagerness to make productive use of whatever liberties are acknowledged by the state—and I should add a level of popular literacy admired by every nineteenth-century commentator—constitute historically what I have called democratic resources?

For one thing, we seem to be very far from the so-called Chinese passivity, avoidance of conflict and blind respect for authority that were deplored by a quantity of other authors during this same nineteenth century, and not only then but also later (down to the diagnoses delivered by some political scientists today), not to speak of so many Chinese critics who have denounced time and again the “slave mentality” and submissiveness to authority of their fellow citizens. Or to put it otherwise, all of this seems to deny the necessity of what was more or less prescribed by a number of missionary and diplomat authors in the nineteenth century—and later by the same Chinese critics I mentioned, down to the authors of the *Yellow River Elegy* in the 1980s—namely, that the Chinese *must abandon their culture*, no less, if they want to get access to modernity and democracy some day.

### **Were There Such Things as Local Elections in Nineteenth-Century China?**

But to come back to the liberties, practical or otherwise, celebrated by Huc, Meadows and others, they do not add up to democracy, at least not in the sense we give to this term. And yet

one of the basic institutions of democracy—freely electing one’s representatives—has been described by several of our authors in the particular framework of the local communities. As Father Huc explains:

The villages are collectively responsible to the Exchequer for the discharge of all fiscal impositions, and they have at their head a mayor called *Sian-yue* (*Xiangyue*), who is chosen by universal suffrage.

The communal organisation is perhaps nowhere else as perfect as in China; and these mayors are chosen by the people, without the mandarins presenting any candidates or seeking in any way to influence the votes.

Every man is both elector and eligible for this office; but it is usual to choose one of advanced age, who both by his character and his fortune occupies a high position in the village. We have known many of the Chinese mayors, and we can affirm that in general they are worthy of the suffrages with which they have been honored by their fellow-citizens.

And later in the text Huc does not hesitate to speak of the “ancient and curious institutions [of China], based on literary qualification, by which it has been found possible to grant, in the communes, universal suffrage to three hundred millions of men, and to render every distinction accessible to all classes.”

This question of the Chinese commune (or township), of its so-called mayors, and of the way they were elected by their fellow-citizens, is important because a significant number of nineteenth-century authors discuss it, including some who are rather on the sinophobic side of the divide; and it is in general to find that it is one of the best things (or rare good things) in China. But there is much confusion of course. We have just seen that Huc is talking of the *xiangyue* 鄉約 (or *dibao* 地保), and his description of their responsibilities as intermediaries between the officials and people is basically correct. But concerning their mode of election, most authors are more realistic than Huc with his French-style universal suffrage. Meadows, for example, gives an excellent description of the urban *dibao* in the Canton area and of their duties. As he explains, they were chosen publicly at a meeting held on a day announced in advance, and after a call for candidates. But in fact things had already been arranged with the most influential notables, whom the candidates had to visit beforehand. In Meadows’ description, the duties and position of the *dibao* are essentially those of a local police chief chosen by the community (not unlike an American sheriff, perhaps): not necessarily incompetent, but always corrupt and maintaining shady connections with the underground—which actually helps him to get results when the magistrate gets really impatient. In any case, we are rather far from Huc’s respectable mayors.

Interestingly, Martin Yang, a well-known Chinese sociologist, published in 1945 a description of the same process in his native Shandong village. But while he essentially agrees with the descriptions of the nineteenth-century authors, Yang emphatically denies that such elections—and village life more generally—can be called “democratic” in any serious way. He is probably right, but still—and again—all sorts of very concrete elements are *there*, which could easily be re-mobilized in the framework of a more modern and truly competitive system for electing local leaders, as opposed to the vague consensus manipulated by the notables (possibly to everybody’s satisfaction) which seems to have been the rule in traditional villages.

And even more of a resource, of course, were the skills developed in a number of private bodies, notably the philanthropies, to elect their managers annually, resort to regular procedures of debate and vote and to the rule of majority, and ensure the transparency of accounts.

### **The Ming constitutional order**

Rather than developing on this, however, I would like to come back to one of the so-called “democratic precedents” (or “sprouts”) whose existence has sometimes been claimed by twentieth-century Chinese intellectuals, namely, the role of the literati in late-Ming politics. In fact more than mere politics is involved: it is the notion of a sort of constitutional order that imposed itself upon the emperor and protected certain basic rights.

This takes us to a period quite earlier than the nineteenth century—to another dynasty, actually, and this is more than a detail, because the Ming were a national dynasty, whereas the Qing were a conquest regime. For the revolutionaries who overthrew them in 1911, and then for generations of Republican nationalists, the Manchu Qing were essentially a barbarian and reactionary regime which enslaved the Chinese people and deprived the Chinese elites of the moral and political leadership which the Ming literati had exerted so admirably. In contrast, for quite some time now the Qing regime, at least in its heyday, has been very popular with the Chinese communist authorities as a model of enlightened authoritarianism.

The following considerations also take us to a socio-political environment completely different from the “industrious masses” living in the villages and towns of China, which were described by our nineteenth-century European authors as a fountain of liberty and energy, and

even of grass-roots democracy. The main actors of the late Ming so-called democratic saga were scholars, especially those among them who passed the examinations and became officials. And as we shall see the literati had a certain place assigned to them in what I do not hesitate to call the constitutional order of the Ming dynasty—a place which is central in the debates and incidents I will discuss.

I use the term “constitutional order”, rather than “constitution”, because this would obviously be anachronistic. There was nothing in imperial China that might be considered as a coherent legal text, a basic law (a *dafa* 大法) imposing itself upon the holders of political power and to which one could refer to check the legal conformity of the government’s actions and of the laws. But I am convinced that it is possible, and indeed useful, to speak, at least analogically, of a “constitutional order”, especially but not exclusively under the Ming, inasmuch as the actions of the state, of its officials and even of the emperor could be, to a certain extent, legally controlled and challenged through a process of censure availing itself of certain authorities. And I should add that the problem is particularly interesting to study in the Ming because of the publicity and political exploitation that accompanied the censure of the actions or decisions of the government, and indeed of the emperor.

As I see it, this constitutional order derives from a composite ensemble of texts and notions. Even when they do no more than follow old precedents, they are considered to be specific to a particular dynastic regime; and at the same time, importantly, they are placed under the shadow of the ultimate authority, that is, the Classics, whose self-appointed interpreters were the literati. In this way, the literati were the functional equivalents of the guardians of a constitution—or rather, here, of the scriptures with which dynastic institutions were supposed to be in conformity. Significantly, they lost this exclusive authority early in the Qing; but in the Ming the conflicts I will mention show that the role of what we might call “literati power” in the entire constitutional pattern was indeed quite important.

The components of that pattern can be divided into three categories. First come the so-called “ancestral institutions”—in other words, a variable combination of pronouncements, institutions, and regulations created by the dynastic founder, which it was considered impossible, or very difficult, to change, at least to change openly, without risking to be accused of a lack of filial piety. This, in the case of the Ming, would correspond among other

things to the *Huang Ming zuxun* 皇明祖訓 (Ancestral instructions of the August Ming), as well as certain institutions also created by the Hongwu emperor (r. 1368-1398), such as, most importantly, a structure of the central government characterized by the *absence* of the Prime Minister and Central Secretariat that had been inherited from the previous dynasties, after Hongwu had decided to abolish them in 1380. Then comes the “administrative constitution”, that is, the description of the administrative structure more or less embodied in the *Huidian* 會典 (Collected institutions). And finally, the body of penal and administrative law that controlled the activities of the bureaucracy and population: even though it was “living law” in the sense that it was being constantly revised and enlarged, it rested on a body of rules and statutes that were considered ancestral institutions, and so, unchangeable (the penal code of 1397 is a good example). Taken together, these three elements, as I see it, compose what was called the *guoti* 國體, which I suggest to gloss as “the ordered form of the state”, and which is not that far from the notion of a constitution. The “affairs of the state”, or *guoshi* 國是, were supposed to be decided in such a way as to be in conformity with the *guoti*.

The problem was that this was not always the case. There were several factors of constitutional tension in the Ming, all due to the fact that the dynastic founder had created a number of institutions which had to be gradually and quietly abandoned under his successors, or at least transformed, because they were no longer attuned to the socioeconomic realities of the empire. Such was in particular the case with the structure of the central government. Not long after the death of Hongwu, there emerged an institution that was not part of the constitutional order he had devised, namely, the Grand Secretariat (*neige* 內閣), supposed to assist the emperor, which by the sixteenth century had developed into a powerful cabinet whose head secretary was called by everybody “Prime Minister” (*zaixiang* 宰相), because this was exactly what he was. The constitutional tension created by this situation was the source of much conflict between the Grand Secretariat and the rest of the bureaucracy, and this was especially the case when, in this same sixteenth century, the bureaucracy came into conflicts with the emperors which had, one might argue, constitutional causes.

Without entering into details, it should be enough to recall that both the Jiajing (r. 1522-1566) and Wanli (r. 1573-1620) emperors antagonized the bureaucracy—or part of it—by making decisions related to dynastic succession that appeared to be in contradiction with the instructions left by the dynastic founder. That these were important matters is suggested by

the very names which were given to the controversies in question: the “Great Ritual debate” (*dali yi* 大禮議) in the case of Jiajing (in the 1520s), and the controversy on the “foundation of the state” (*guoben* 國本) in the case of Wanli (in the 1580s and 1590s). In both cases the emperor, still a young man, frontally opposed the advice of the specialists of ritual who were brandishing the *Huang Ming zuxun* to support their position. Jiajing (who was only a cousin of his predecessor but wanted his father to be honored as the emperor he had not been) held his ground; on the other hand Wanli (who wanted to designate as heir apparent a son who was not entitled to it according to the rules) yielded in the end, but grudgingly, and he remained in constant conflict with his bureaucracy. And indeed, these conflicts extended well beyond a technical argument, however violent, between specialists. The entire bureaucracy was split; the Grand Secretariat—in theory the closest advisers to the emperor, but with a weak constitutional position—tried not to take sides, but it was attacked from everywhere.

### **The Changing Political Atmosphere of the Late Ming Dynasty**

The *guoben* controversy at the end of the sixteenth century had the most far-reaching political consequences. This was because the attacks against the behavior and decisions of Wanli emperor soon dealt with other problems than imperial succession. Some of Wanli’s highly controversial initiatives were the occasion for several officials to criticize him in sometimes incredibly harsh terms and to develop lengthy arguments to the effect that the emperor was in fact overstepping what they could very well have called his constitutional rights. Besides, these controversies were widely publicized through the official information bulletin that the Jesuit missionaries christened the *Peking Gazette*. As it happens, during much of the reign of Wanli the *Gazette* circulated everywhere in the empire documents (such as the attacks just mentioned) that it should never have published in the first place because they had not been explicitly authorized by the emperor. To be more specific, the habit of the Wanli emperor to “keep the memorials in the palace” (*liuzhong* 留中)—in other words, to refuse to respond to them and feed them back to the administrative machine, thus ensuring the continuity and transparency of government—was attacked by some officials, especially censors, as what we would have called a “constitutional breach”, in the sense that the emperor was preventing the smooth functioning of the institutions which had been handed down to him by his ancestors. For their part the censors who were controlling the circulation of the

*Peking Gazette* were guilty of another constitutional breach by allowing documents not explicitly approved by the emperor to be published in the *Gazette*.

I think we may speak of politics becoming an autonomous process from the late sixteenth century onwards, and right through the fall of the Ming dynasty in 1644. The causes were the development of political factions among the bureaucracy, the openness and publicity just mentioned, and the conflicts triggered by a weak and capricious emperor. The aim of the factions, which in the early seventeenth century developed into quasi political parties, was to take hold of the strategic places that controlled the appointment of officials, notably at the time of the periodic reviews of capital and provincial officials, which in principle involved some consulting of what was called “public opinion” (*yulun* 輿論). These were moments when there was an opportunity for what we call in French “*alternance*” (a replacement of the party in government); and such occurrences gave rise to a truly extraordinary, indeed flamboyant style of adversarial politics in the capital and in the entire country—the very style of politics, in effect, that has made some later scholars claim that the late Ming were developing a kind of proto-democratic political life.

In reality, it was no more than bureaucratic infighting displayed in a public arena and using high-sounding arguments for public consumption. But certainly the display was quite close to the lowest manifestations of our own political life, what with personal attacks on one’s enemy’s competence and integrity, organized campaigns involving the simultaneous sending of dozens of memorials to the emperor to accuse a particular official or faction of the most terrible crimes, the spreading of false rumors, all of this in high-flown rhetoric and invoking the highest values and principles. The emperor usually did not bother to read the memorials, but they were circulated nationwide through the *Peking Gazette*, and that was of course the point.

Among the most self-glorious partisans were a group of Confucian fundamentalists, mainly based in the Lower Yangzi, who had been out of power (but still very influential) since the 1590s, and who coalesced into the already mentioned Donglin party in the first years of the 17<sup>th</sup> century and desperately tried to make their comeback at the government. They eventually succeeded in 1620, immediately after the death of Wanli, but not for very long because they ran afoul of the eunuch Wei Zhongxian 魏忠賢, who managed to suppress them in a bloody



campaign of repression. Now, the point is that the Donglin and their sympathizers, who were among the most audacious in attacking the Wanli emperor in memorials which were of course addressed to him in person, raised certain issues with strong constitutional overtones.

Two themes might be mentioned here in particular. The first one is the right to communicate with the throne in the form of memorials, either to recommend policies or to denounce one's political enemies (or both). In several instances, lower officials were sanctioned for having done just that, but their political friends managed to quote from the basic law of the dynasty, so to speak (i.e. the texts I mentioned earlier), to prove that they indeed had a right and even a duty to communicate with the emperor, and that the circulation of the "pure opinions expressed in the empire" (*tianxia zhi qingyi* 天下之清議) should by no means be hampered by "small men" (*xiaoren* 小人).

The second theme is the personal conduct of the emperor and the overstepping of his constitutional rights. I am referring in particular to the incredibly violent attacks that were motivated by Wanli's infamous mining and fiscal policies in the years around 1600. The policies in question consisted in sending to the provinces palace eunuchs with large staffs and full powers to open silver mines wherever they wanted, and more generally to take control of commercial taxation—Wanli needed very large amounts of money for various purposes regarding the imperial palace and family. The result was turmoil everywhere, and loud protests from a great many officials throughout the empire. One of the most vocal ones was a rather colorful ally of the Donglin leaders, a certain Li Sancai 李三才, who appears to have been a particularly smart politician. In 1604, while he was governor of the Huai region, he became a star in the profession by resisting the eunuch sent by Wanli to open mines and levy taxes and driving him to suicide. But already in 1600 he had sent to the emperor several memorials where he accused him (in a well-balanced and forceful rhetoric) of misusing the position that had been entrusted to him by Heaven and the empire he had inherited from his ancestors. In essence, the point was that the emperor is not the owner of the empire and of its riches, and that by trying to monopolize them for his own egoistical purposes and driving his people to suffer hunger and wander in the wilderness, Wanli was in effect betraying his ancestors and behaving against his constitutional position; not to mention the fact that he was risking a rebellion. Of course, these memorials were to no avail, and we do not even know if

Wanli ever cared to read them. In a way, the emperor had gotten out of control, constitutionally or otherwise.

During these years, considerations on the Mencian theme of what I would call “twin sovereignty”—the ruler is the master of men (*renzhu* 人主), but the people are “the master of the master of men” (*renzhu zhi zhu* 人主之主)—were frequently put forward. A little later this concept, which meant that the people’s sovereignty is a given, whereas the ruler’s sovereignty is conditional, was famously developed by Huang Zongxi 黃宗羲 (1610-1695) in his *Mingyi daifang lu* 明夷待訪錄 (Waiting for the Dawn).

I mention Huang Zongxi, who in a way relayed the notions developed by certain late-Ming literati and politicians (like Li Sancai), because he himself has been used as a democratic resource. Huang’s rather incendiary pamphlet was composed in 1663, at the beginning of the Qing dynasty, and soon went underground. But it resurfaced at the very end of the nineteenth century, when the revolutionaries intent on overthrowing the Qing regime rediscovered the text and ensured it considerable circulation. And it was then that Huang Zongxi was celebrated, along with his literati predecessors of the Wanli era, as a herald of democracy in China. I do not think he can be called such; but the point is that through proper reinterpretation he, like so many other things in the Chinese past, could be enlisted for the sake of converting China to democracy.

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